

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Higher Education - Appeal petition filed by the Management of P.V.R. Trust Degree College, Kakinada under section 89(b) of A.P. Education Act, 1982, against the orders passed by the Commissioner of Collegiate Education - Allowed - Orders - Issued.

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HIGHER EDUCATION(VC.I) DEPARTMENT

G.O.Rt.No. 19

Dated.08-01-2010.

Read the following:-

1. The Commissioner of Collegiate Education, Hyderabad's Show cause Notice issued in Rc.No.2340/Admn.III-3/99, dated.2.5.2003.
2. The Commissioner of Collegiate Education, A.P., Hyderabad's Procs.No.2340/ ADMN.III-2/99, dated.9.9.2009.
3. Appeal petition dated.29.9.2009 of the Management of P.V.R. Trust College, Kakinada.
4. From the Commissioner of Collegiate Education, Hyderabad, Letter No.2340/ Admn.III-2/99, dated.26.10.2009.
5. G.O.Rt.No.826, Higher Education(VC.I) Deptt., dated.11.11.2009.

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ORDER:-

Certain students of P.V.R. Trust Degree College, Kakinada, East Godavari District, complained against the Management of the said College for collection of donations forcibly from students and also misuse of funds. Sri V.Satish, R/o.Kakinada, alumni of P.V.R. Trust Degree College also filed a W.P.No.13913/2004, praying to initiate action against the Management of PVR Trust Degree College under relevant sections of A.P.Education Act, 1982, by suspending the Management of college, to appoint a special officer and to recover the misappropriated amount.

2. The Commissioner of Collegiate Education, A.P., Hyderabad, duly examining the explanation of the Management of the college, issued orders vide his Proceedings 2<sup>nd</sup> read above wherein the Correspondent of PVR Trust Degree, Kakinada, East Godavari District was directed to remit an amount of Rs.23,41,000/- into joint Account on or before 30.9.2009 failing which action will be taken for recovery of the said amount under relevant legal provisions, besides, suspending the management of the college as per the provisions under section 24(3)(a) of A.P.Education Act, 1982.

3. Aggrieved by the above orders of Commissioner of Collegiate Education, the Management of P.V.R. Trust Degree College, Kakinada, preferred an appeal under section 86(b) of A.P.Education Act, 1982 before the Appellate Authority i.e. Government to set-aside the proceedings No.2340/Admn.III-2/99, dated.9.9.2009 of Commissioner of Collegiate Education. On the appeal, the Government vide reference 5<sup>th</sup> read above, issued interim suspension of the Proceedings No.2340/ ADMN.III-2/99, dated.9.9.2009 of Commissioner of Collegiate Education, pending disposal of appeal before the Government.

4. Sri V.Satish, petitioner in W.P.No.13913/2004, filed an affidavit before the Government praying that the orders passed by the Commissioner of Collegiate Education vide Proceeding No.2340/Admn.III-2/99, dated.9.9.2009 are legal just and proper and as such requested to dismiss the appeal filed by the appellant i.e. the Management of PVR Trust Degree College. The Government impleaded Sri V.Satish as a respondent in the appeal pending before it and invited both the parties for hearing on 15.12.2009 to put-forth their arguments. The appellant i.e. Secretary & Correspondent of P.V.R. Trust Degree College, Kakinada and respondent i.e. Sri V.Satish attended the hearing with their counsel and put-forth their contentions and arguments.

(P.T.O.)

5. Government after hearing both parties arguments, observed that the Appellant i.e. the Management of PVR Trust Degree College has questioned the orders issued by the Commissioner of Collegiate Education directing the Appellant to remit an amount of Rs.23,41,000/- vide proceeding Rc.No.2340/Admn.III-2/99, dt.9.9.2009. The order of the Commissioner of Collegiate Education is based on the Vigilance Report No.42/D1/2000, dated.5.7.2000. The Vigilance Report dated 5.7.2000 concluded that the Donations/Building Fund has been collected by the Parent-Teacher Association, as per A.P.Educational Institutions (Parent-Teacher Association) Rules issued vide G.O.Ms.No.246, Education(Rules) Department, dated.17.10.1987. Receipts were issued to the Donors and the funds were deposited in Vysya Bank, Kakinada. The Inquiry Report of the Regional Joint Director of Collegiate Education, Rajahmundry, East Godavari District conducted on 19.5.2001 on the allegations, concluded that the amount was collected by the Parent-Teacher Association. Further the Special Audit of Accounts, conducted by Senior Auditor and Auditor of O/o.CCE of PVR Trust Degree College, Kakinada, have come to a conclusion that the Parent-Teacher Association, has collected the alleged amounts and the Management of the college does not own any responsibility, for donations collected for construction of the College Building by the Parent-Teacher Association without calling for Tenders.

6. Government is also of the opinion that it would be proper to examine the issue with reference to the provisions of the A.P.Educational Institutions(Parent-Teacher Association) Rules, 1987 relating to the composition and functions of the Parent-Teacher Association issued under section 30 of the A.P.Education Act, 1982 (Act No.1 of 1982). Rule 3 of the said Rules, provides, that every Educational Institution shall have a Parent-Teacher Association. Rule 4 of the said Rules provides that all parents and teachers shall be Members of Parent-Teacher Association and pay subscription and, if any, parent comes forward to donate more amount than prescribed, it shall be accepted and deposited in scheduled Bank. Rule 5 of the said Rules provide that there shall be (1) a President, (2) Vice President and (3) Secretary-cum-Treasurer for the Association and the President and Vice President, shall be Parents of students, while the Head of the Institution shall be the Secretary-cum-Treasurer of Association. Rule 6 of the said Rules deals with the Executive Council and its functions. Rule 9 states duties and responsibilities of Parent-Teacher Association and Rule 9(2) specifies that the Secretary-cum-Treasurer shall maintain accounts for the amounts collected and the amounts spent for the purpose of the Association. In case of any irregularity the Regional Joint Director, shall initiate disciplinary action against the Secretary-cum-Treasurer of the Parent-Teacher Association for misuse of funds.

7. Government examined the case with reference to the above said Rules and opined that when it has been established by various authorities during inquiry that the amount has been collected by the Parent-Teacher Association formed under the A.P.Educational Institutions (Parent-Teacher Association) Rules, 1987, it would not be proper to impose the liability on the Management of the PVR Trust Degree College, for the wrong doings, if any, committed by the Parent-Teacher Association. For the lapse committed by the Parent-Teacher Association, action has to be initiated under relevant provisions of the said rules. The conclusion of Commissioner of Collegiate Education that the Parent-Teacher Association and P.V.R. Educational Society are not separate and imposing the Parent-Teacher Association liability on the Management of the College is not correct.

(Contd.... 3)

8. Government after careful consideration of the issue conclude that the Proceedings No.Rc.No.2340/Admn.II-2/99, dt.9.9.2009 of Commissioner of Collegiate Education, Hyderabad, are not based on A.P.Educational Institutions (Parent-Teacher Association) Rules, 1987 and there appears some merit in the appeal filed by the Correspondent, P.V.R. Trust Degree College, Kakinada. Therefore, under Section 90 of A.P.Education Act, 1982, Government hereby allow the appeal filed by the Correspondent and Secretary, P.V.R. Trust Degree College, Kakinada and the Proceeding Rc.No.2340/Admn.III-2/99, dated.9.9.2009 of Commissioner of Collegiate Education, are set-aside.

9. The Commissioner of Collegiate Education, A.P., Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.R. BISWAL  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
The Commissioner of Collegiate Education, A.P., Hyderabad.  
The Secretary and Correspondent, P.V.R. Trust Degree College, Kakinada,  
East Godawari District through the Commissioner of Collegiate  
Education, A.P., Hyderabad.  
Sri V.Satish S/o. Soma Raju, D.No.64-15-30, Vinayaka Street,  
Pratap Nagar, Kakinada, East Godawari District.

Copy to:-

Sri P.Kamalakar, Advocate, Flat No.G-3, 6-3-628,  
Susheela Sadan, Anand Nagar, Khairatabad, Hyderabad-500 054.  
The P.S. to Minister for Higher Education.  
The P.S. to Prl.Secretary(HE)  
SF//SCs

//FORWARDED :: BY ORDER//

SECTION OFFICER